

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHERRY McALISTER,

Plaintiff,

v.

Case No. 13-12410

COMMISSIONER OF SOCIAL
SECURITY,

HON. TERRENCE G. BERG
HON. DAVID R. GRAND

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

Before the Court is Magistrate Judge David R. Grand's Report and Recommendation of July 9, 2014, (Dkt. 17) recommending that Defendant's motion for summary judgment be denied, that Plaintiff's motion for summary judgment be granted to the extent she seeks remand and denied to the extent she seeks reversal and an award of benefits, and that the matter be remanded for further consideration consistent with the Report and Recommendation.

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). The Court has

reviewed and will accept the Magistrate Judge's Report and Recommendation of July 9, 2014, (Dkt. 17) as the findings and conclusions of this court.

Accordingly, it is hereby ORDERED that Magistrate Judge Grand's Report and Recommendation of July 9, 2014, (Dkt. 17) is ACCEPTED and ADOPTED.

It is FURTHER ORDERED that Defendant's motion for summary judgment (Dkt. 16) is DENIED and Plaintiff's motion for summary judgment (Dkt. 11) is GRANTED IN PART to the extent she requests remand and DENIED IN PART to the extent she seeks reversal and automatic award of benefits.

It is FURTHER ORDERED that, under sentence four of 42 U.S.C. § 405(g), the matter is REMANDED for further consideration consistent with the Report and Recommendation.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: July 29, 2014

Certificate of Service

I hereby certify that this Order was electronically submitted on July 29, 2014, using the CM/ECF system, which will send notification to each party.

By: s/A. Chubb
Case Manager